

## **Record of Proceedings**

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- CALL TO ORDER** A regular meeting of the Council Bluffs City Council was called to order Monday, October 13, 2008 at 7:00 p.m. by Mayor Hanafan.
- ATTENDANCE** Council members present: Darren Bates, Scott Belt, Lynne Branigan, Matt Schultz, Matt Walsh. Mayor Tom Hanafan  
Staff present: Richard Wade, City Attorney; and Judith Ridgeley, City Clerk
- CONSENT AGENDA** Bates and Branigan moved and seconded approval of the Consent Agenda as presented. 5 Aye
- PUBLIC HEARINGS**  
**R 08-300** Held public hearing regarding Resolution 08-300, approving plans, specification, form of contract and cost estimate for the US 275/Missouri River Stormwater Pump Station. Belt and Branigan moved and seconded approval of Resolution 08-300. Unanimous
- Resolution 08-301** Held public hearing regarding Resolution 08-301, vacating and disposing of part of 24<sup>th</sup> Avenue right-of-way lying west of South 19<sup>th</sup> Street along with part of South 30<sup>th</sup> Street lying South of 24<sup>th</sup> Avenue and the North ½ of both north/south alleys in Block 37, Railroad Addition. Walsh and Bates moved and seconded approval of Resolution 08-301. Unanimous
- Resolution 08-302** Held public hearing regarding Resolution 08-302, authorizing the vacation of a 5,676 square foot portion of 24<sup>th</sup> Avenue right-of-way lying west of South 24<sup>th</sup> Street. Belt and Schultz moved and seconded approval of Resolution 08-302. Unanimous
- Resolution 08-303** Held public hearing regarding Resolution 08-303, authorizing the vacation of a 5,950 square foot portion of 26<sup>th</sup> Avenue right-of-way lying west of South 24<sup>th</sup> Street. Belt and Walsh moved and seconded approval of Resolution 08-303. Unanimous
- Resolution 08-304** Held public hearing regarding Resolution 08-304, authorizing the disposal of City property by granting a partial release of a sanitary sewer easement on land described as Lot 10, the Marketplace Subdivision. Belt and Walsh moved and seconded approval of Resolution 08-304. Unanimous
- Resolution 08-305** Held public hearing regarding Resolution 08-305, authorizing the release of easements retained on property vacated and conveyed by Ordinance no. 3108, passed on November 13, 1944, and approved on December 4, 1944. Walsh and Branigan moved and seconded approval of Resolution 08-305. Unanimous
- Resolution 08-306** Held public hearing regarding Resolution 08-306, granting final plat approval for a subdivision to be known as Franklin Heights Subdivision. Bates and Schultz moved and seconded approval of Resolution 08-306. Unanimous
- Resolution 08-307** Held public hearing regarding Resolution 08-307, authorizing the disposal of certain City property by granting an underground electric easement to MidAmerican Energy. Belt and Bates moved and seconded approval of Resolution 08-307. Unanimous

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**Ordinance 6012**

Held public hearing regarding Ordinance 6012, repealing Chapters 15.01, 15.02, 15.27 of the Municipal Code and adopt new Chapter 15.01 "Title, Purpose and Intent", new Chapter 15.02 "Administration and Enforcement" and new Chapter 15.27 "Zoning Districts" of the Municipal Code. Belt and Branigan moved and seconded approval of Ordinance 6012. Unanimous

**ORDINANCES ON  
SECOND READING  
Ordinance 6013**

Belt and Bates moved and seconded approval of Ordinance 6013, regarding property taxes collected within the Mid-America Center Urban Renewal Area be paid to a special fund for payment of principle and interest on loans, etc., in connection with the Mid-America Center Urban Renewal Redevelopment Project. Unanimous

**RESOLUTIONS  
Resolution 08-261**

Branigan and Belt moved and seconded approval of Resolution 08-261, voluntary annexation of approximately 230 acres abutting the southeast corporate boundary. Unanimous

**Resolution 08-281**

Belt and Bates moved and seconded to continue Resolution 08-281, granting preliminary plan approval for a 10-lot commercial subdivision to be known as Southtowne until the regular meeting of January 12, 2009 at 7:00 p.m. Unanimous

**Resolution 08-282**

Belt and Bates moved and seconded to continue Resolution 08-282, adopting a Planned Commercial Development Plan for a subdivision to be known as Southtowne, located at the northwest corner of Veteran's Memorial Highway and South Expressway until the regular meeting of January 12, 2009 at 7:00 p.m. Unanimous

**Resolution 08-292**

Belt and Bates moved and seconded approval of Resolution 08-292, modifying the exemption from taxation of the improvements made to real property for businesses making certain capital investment and job creation/retention levels within Enterprise Zone-1. Unanimous

**Resolution 08-295**

Bates and Walsh moved and seconded approval of Resolution 08-295, awarding the vehicle towing and storage contract to Arrow Towing. Mr. Greg Smythe, 2726 N. Broadway was present and spoke to the issue. Schultz moved to cease debate and call the question. Branigan seconded. 5 Aye. VOICE VOTE on Bates motion: 1 Aye (Bates), 4 Nay. Walsh and Schultz moved and seconded to reject all bids, re-bid the contract, and modify the bid form to include a single criteria. Bates amended the motion to provide that bids are brought back to City Council. 5 Aye. Vote on motion as amended. 4 Aye, 1 Nay (Bates).

**Resolution 08-296**

Bates and Branigan moved and seconded to authorize additional Enterprise Zone tax abatement benefits to Omaha Standard Incorporated, and to amend the motion by adding the following language: *Section 1 That the City Council finds that the Omaha Standard project was approved for benefits within the Council Bluffs Enterprise Zone-1 as approved with the adoption of Resolution No. 97-201 and amended by Resolution Nos 97-234 and 99-23 on December 29, 2003.* Walsh and Branigan moved and seconded to amend the schedule over 5 years by 60% annually. Mr. Kent Moser, Omaha Standard, appeared in favor of the resolution and amendment. Mr. Tom Moser, Omaha Standard, stated the original

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schedule was a condition based on the original agreement. Mr. Mark Norman, Council Bluffs Chamber of Commerce, was present and informed that a change to the schedule may not be acceptable to the potential purchaser. Walsh withdrew his amendment and Branigan concurred. Voice Vote on Amendment: 5 Aye. Voice vote on Resolution 08-296, as amended: 5 Aye

**Resolution 08-299**

Belt and Walsh moved and seconded approval of Resolution 08-299, authorizing the Mayor to approve the Amendment to the Development Agreement between Pottawattamie County Development Corporation (PCDC) and Broadway Ventures, LLC. Unanimous

**Resolution 08-308**

Belt and Bates moved and seconded approval of Resolution 08-308, authorizing the Mayor to acquire property located north of 23<sup>rd</sup> Avenue between South 19<sup>th</sup> and South 21<sup>st</sup> Streets as part of the Playland Park land mitigation project. Unanimous

**Resolution 08-309**

Bates and Belt moved and seconded approval of Resolution 08-309, authorizing a joint application to the Iowa Department of Economic Development by the Council Bluffs Enterprise Zone Commission and Municipal Homes, Inc., for Enterprise Zone benefits. 4 Aye, 1 Nay (Branigan)

**Resolution 08-310**

Belt and Bates moved and seconded approval of Resolution 08-310, authorizing a joint application to the Iowa Department of Economic Development by the Council Bluffs Enterprise Zone Commission and Welcome Homes, Inc., for Enterprise Zone benefits. Unanimous

**Resolution 08-311**

Bates and Belt moved and seconded approval of Resolution 08-311, authorizing submission of Amendment #1 to EZ Agreement 08-HEZ-024 to the Iowa Department of Economic Development by the Council Bluffs Enterprise Zone Commission and Porter Homes, Inc., for Enterprise Zone benefits. 2 Aye (Bates, Belt); 3 Nay (Branigan, Schultz, Walsh) Motion failed

**Resolution 08-312**

Bates and Walsh moved and seconded to continue Resolution 08-312, application to the Iowa Department of Economic Development by the Council Bluffs Enterprise Zone Commission and BP Quality Homes LLC for Enterprise Zone benefits until the regular meeting of October 27, 2008 at 7:00 p.m. Unanimous

**Resolution 08-313**

Belt and Branigan moved and seconded approval of Resolution 08-313, authorizing the Mayor to execute a contract with Howard R. Green Company for consultant services for the two 2008 U.S. Environmental Protection Agency (EPA) Brownfields assessment grants for the South Main Street area. Unanimous

**Resolution 08-314**

Belt and Bates moved and seconded approval of Resolution 08-314, authorizing the completion of the Valley View Greenway Trail project and directing the Director of Finance to release the retainage of \$7,756.00 in 30 days. Unanimous

**Resolution 08-315**

Belt and Walsh moved and seconded approval of Resolution 08-315, accepting the work of Swain Construction in connection with the 8<sup>th</sup> Avenue North curb line and gutter replacement and authorizing the

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Finance Director to issue a City check in the amount of \$1,700.72. Unanimous

**Resolution 08-316**

Belt and Branigan moved and seconded approval of Resolution 08-316, authorizing the Mayor and City Clerk to execute an agreement with Bluffs Electric, Inc., for the U.S. Highway 275 street lighting project. Unanimous

**Resolution 08-317**

Walsh and Belt moved and seconded approval of Resolution 08-317, filling the Assistant City Attorney I position in the City Legal Department. Branigan amended the resolution to require that the applicant be licensed by the Iowa bar within 6 months of appointment. Bates seconded the motion. Vote on amendment: Unanimous. Vote on Resolution as amended: Unanimous

**MAYOR'S APPOINTMENTS**

Walsh and Belt moved and seconded to concur with the Mayor's appointment to: Civil Rights Commission and Library Board of Trustees. 4 Aye, 1 Abstain (Schultz)

**RECEIVE AND FILE ITEMS**

Bates and Belt moved and seconded to receive and file the following items:

- 1) Six Notices of Claim/Loss;
- 2) One offer to buy City property; and
- 3) Two Notices of Voluntary Settlement, Mall of the Bluffs

Unanimous

**APPLICATIONS FOR  
PERMITS OR  
CANCELLATIONS**

Bates and Belt moved and seconded approval of application for temporary liquor license (5 day) for Lutheran Family Services, 300 Broadway. Unanimous

Bates and Belt moved and seconded approval of application for Iowa Cigarette/tobacco permit for K's Tobacco N Phones Plus, 3540 West Broadway. Unanimous

**ADJOURNMENT**

There being no further business, Belt and Bates moved and seconded to adjourn the meeting at 8:04 p.m. Unanimous

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

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Thomas P. Hanafan, Mayor

ATTEST:

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Judith H. Ridgeley, City Clerk